

## Workshop

# Enforcing the Rule of Law through judicial interaction techniques

**30 - 31 October 2023**

Sala Europa & Online - Villa Schifanoia, Via Boccaccio 121 - Florence

Centre for Judicial Cooperation, RSCAS, European University Institute

## Programme

### 30 October

09.30 - 09.40 Welcome Address

**Gábor Halmai** | European University Institute

09.40 - 11.00 ***The role of the national judge in defending the Rule of Law***

Chair: **Nicole Lazzerini** | University of Florence

*Overview of Rule of Law standards under EU law*

**Michal Bobek** | Supreme Administrative Court, Czech Republic

*Overview of Rule of Law standards under ECHR*

**Raffaele Sabato** | European Court of Human Rights

General discussion

11.00 - 11.30 Coffee break

11.30 - 11.45 ***Presentation of TRIAL 2 Toolkit on Rule of Law and Judicial Dialogue***

**Madalina Moraru** | EUI

11.45 - 13.00 ***Case study 1 – Judicial interactions on Rule of Law issues***

Discussion in four parallel working group sessions

13.00 - 14.00 Lunch break



14.00 - 16.15 **Roundtable: Judicial dialogue in action on Rule of Law issues**

This panel will discuss the challenges that national legal practitioners face when addressing requests for preliminary rulings to the CJEU and enforcing the jurisprudence delivered by the CJEU and the ECtHR. Legal practitioners who have exercised these forms of judicial dialogue have been invited to share their experiences.

Chair: **Aida Torres Perez** | University of Pompeu Fabra

*C-564/19 – IS (the necessity of a preliminary ruling for national judges)*

**Agnes Kovács** | ELTE

*C-228/21 C-251/21 C-297-21 C-315/21 C-328/21 – The protection of fundamental rights as an exception to the principle of mutual trust in asylum*

**Luca Perilli** | Judge, Court of Trento

*The use of the preliminary reference procedure to defend judicial independence: the Polish experience*

**Igor Tuleya** | Justice of the Circuit Court in Warsaw, member Iustitia

*The Carvalho Pinto de Sousa Morais v. Portugal saga: balancing freedom of expression of lawyers with the protection of judges' honour*

**Tiago Fidalgo de Freitas** | CIDP

*The Romanian rule of law saga – addressing conflicts between CJEU preliminary ruling and national constitutional jurisprudence*

**Dragos Calin** | Court of Appeal of Bucharest

*Lorenzo Bragado and Others v. Spain:*

*The ECtHR surrounds the Spanish General Council of the Judiciary's deadlock*

**Joan Solanes Mullor** | Professor of Constitutional Law, Universitat Pompeu Fabra

Discussion

**31 October**

09.30 - 10.00 **Lawyers role in defending the Rule of law**

**Tomasz Koncewicz** | University of Gdansk

10.00 - 10.50 **Case study 2 – Disciplinary proceedings and freedom of expression of judges and lawyers**

Discussion in four parallel working group sessions

10.50 - 11.15 Discussion in the plenary of the results and conclusion

11.15 - 11.45 Coffee break

- 11.45 - 13.00 ***Primacy of EU law versus national constitutions***  
Chair: **Gábor Halmai** | EUI  
**Michał Ziółkowski** | EUI, Kozminski University  
**Dieter Grimm** | former Judge at the German Constitutional Court
- 13.00 - 14.00 Lunch break
- 14.00 - 15.15 ***Case study 3***  
Discussion in the plenary of the results and conclusions
- 15.15 - 16.15 ***The role of international organisations and judicial networks in defending rule of law***  
Chair: **Marta Achler** | EUI  
*ODIHR Recommendations on Judicial Independence and Accountability*  
**Carolyn Hammer** | ODIHR  
*The role of European judiciary associations before the CJEU*  
**Maria Rosaria Guglielmi** | MEDEL
- 16.15 - 16.30 Concluding remarks  
**Gábor Halmai** | EUI